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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,742	03/16/2004	Aaron Q. Johnson	27683-011	1162
29315 7590 10/01/2007 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 701 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,742

Applicant(s)

JOHNSON ET AL.

Examiner

William J. Goodchild

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/01/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al., (hereinafter Cohen), (US Patent No. 7,035,926).

In reference to claim 1, Cohen teaches a method / system comprising: identifying a web page that a user is viewing [column 1, lines 38-41]; determining the presence of other users at or near the web page that the user is viewing [column 1, lines 42-44]; displaying for the user a listing of the other users determined to be at or near the web page that the user is viewing [column 1, lines 42-47]; and enabling the user to communicate with one or more users selected from the displayed listing of other users [column 1, lines 48-56].

In reference to claim 2, Cohen teaches the method / system of claim 1 wherein: identifying a web page further comprises receiving a Uniform Resource Identifier (URI) address of the web page that the user is viewing [column 1, lines 38-40].

In reference to claim 3, Cohen teaches the method / system of claim 1 wherein: the presence of other users is determined by a distance mapping technique [column 4, lines 37-43].

In reference to claim 4, Cohen teaches the method / system of claim 3 wherein: the distance mapping technique comprises identifying users viewing web pages having words or phrases of cognitive similarity [column 4, lines 43-49].

In reference to claim 5, Cohen teaches the method / system of claim 3 wherein: the distance mapping technique comprises comparing a Uniform Resource Identifier (URI) address of the web page that the user is viewing to URI addresses of web pages being viewed by other users [column 7, lines 11-20].

In reference to claim 6, Cohen teaches the method / system of claim 1 wherein: displaying for the user a listing of the other users further comprises displaying the listing of other users in a graphical user interface (GUI) [column 7, lines 41-44].

In reference to claim 7, Cohen teaches the method / system of claim 6 wherein: the GUI comprises a web browser [column 1, lines 60-63 and column 9, lines 29-35].

In reference to claim 8, Cohen teaches the method / system of claim 1 further comprising: enabling the user to view profile data associated with one or more users selected from the displayed listing of other users [column 9, lines 35-30].

In reference to claim 9, Cohen teaches the method / system of claim 8 wherein: the profile data comprises one or more of contact information, demographic information, profession, hobbies, or interests [column 9, lines 35-30].

In reference to claim 10, Cohen teaches the method / system of claim 1 wherein: enabling the user to communicate with one or more users selected from the displayed listing of other users further comprises enabling the user to instant message one or more users selected from the displayed listing of other users [column 12, lines 27-44].

In reference to claim 18, Cohen teaches a method / system comprising: means for identifying a web page that a user is viewing [column 1, lines 38-41]; means for determining the presence of other users at or near the web page that the user is viewing [column 1, lines 42-44]; means for displaying for the user a listing of the other users determined to be at or near the web page that the user is viewing [column 1, lines 42-47]; and means for enabling the user to communicate with one or more users selected from the displayed listing of other users [column 1, lines 48-56].

In reference to claim 19, Cohen teaches a method / system comprising: identifying a data object that a user is accessing [column 1, lines 38-41]; determining a

Art Unit: 2145

listing of other users that are currently accessing or that have recently accessed the data object [column 1, lines 42-44]; displaying for the user the listing of the other users determined to be currently accessing or that have recently accessed the data object [column 1, lines 42-47]; and enabling the user to communicate with one or more users selected from the displayed listing of other users [column 1, lines 48-56].

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11, 13-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nachman et al., (hereinafter Nachman), (US Publication No. 2001/0027474).

In reference to claim 1, Nachman teaches a method / system comprising:
identifying a web page that a user is viewing [paragraph 9]; determining the presence of other users at or near the web page that the user is viewing [paragraphs 38 and 40]; displaying for the user a listing of the other users determined to be at or near the web page that the user is viewing [paragraph 40]; and enabling the user to communicate with one or more users selected from the displayed listing of other users [paragraph 41].

In reference to claim 11, Nachman teaches the method / system of claim 1 wherein: enabling the user to communicate with one or more users selected from the

Art Unit: 2145

displayed listing of other users further comprises enabling the user to e-mail one or more users selected from the displayed listing of other users [paragraphs 41 and 44].

In reference to claim 13, Nachman teaches the method / system of claim 1 wherein: enabling the user to communicate with one or more users selected from the displayed listing of other users further comprises enabling the user to initiate a transaction with one or more users selected from the displayed listing of other users [paragraphs 18 and 21].

In reference to claim 14, Nachman teaches the method / system of claim 13 wherein: the transaction comprises an exchange of currency [paragraph 45].

In reference to claim 16, Nachman teaches the method / system of claim 1 further comprising: enabling the user to execute a search query against a search engine [paragraph 20].

In reference to claim 17, Nachman teaches the method / system of claim 16 wherein: results of the search query comprise a listing of one or more web pages, and wherein each of the one or more web pages listed is displayed with an associated visual indicator displaying a number of users currently viewing that respective web page [paragraph 40].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nachman et al., (hereinafter Nachman), (US Publication No. 2001/0027474) as applied to claim 1 above, and further in view of Wengrovitz, (US Publication No. 2005/0141688).

Regarding claim 12, Nachman does not specifically disclose enabling the user to communicate with one or more users selected from the displayed listing of other users further comprises enabling the user to initiate a voice over Internet protocol (VoIP) communication with one or more users selected from the displayed listing of other users. However, Wengrovitz, in the same field of endeavor, discloses presence notification [Wengrovitz, paragraph 6, lines 6-13] with VoIP [paragraph 5, lines 8-14]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate voice over Internet Protocol communication via presence notification listing in order to increase the multi-media communication options on-line.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nachman et al., (hereinafter Nachman), (US Publication No. 2001/0027474) as applied

Art Unit: 2145

to claim 13 above, and further in view of Pugliese III et al., (hereinafter Pugliese), (US Publication No. 2001/0016825).

Regarding claim 15, Nachman does not specifically disclose the transaction comprises an exchange of at least one of airline frequent flier miles, or affinity program points. However, Pugliese, discloses charging frequent flier miles [Pugliese, paragraph 65, lines 11-19]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate frequent flier miles as a financial transactions to increase the client's options for financial payments.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Goodchild whose telephone number is (571) 270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
09/27/2007



JASON CARDONE
SUPERVISORY PATENT EXAMINER